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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,521	01/07/2002	David B. Drennen	DP-304537 (7500/101)	8374

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EXAMINER

TORRES, MELANIE

ART UNIT

PAPER NUMBER

3683

DATE MAILED: 05/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/040,521	DRENNEN ET AL. <i>ES</i>
	Examiner Melanie Torres	Art Unit 3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 07 January 2002.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-25 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 18-20 is/are allowed.

6) Claim(s) 1,2,21,22 and 25 is/are rejected.

7) Claim(s) 3-17,23 and 24 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4) Interview Summary (PTO-413) Paper No(s) _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 10-11 objected to because of the following informalities: In claim 10, line 3, applicant claims the limitation "the lever". It is suggested that applicant change the limitation to "the lever means" for consistency. Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 21, 22 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Mizutani et al.

Re claim 1, Mizutani et al. discloses a brake apparatus comprising a brake means including a drive motor (M) having a shaft (51) that is rotatable about an axis for actuation of the brake means (21) and jaw-tooth clutch means (53, 55) for selectively locking the shaft against rotation about the axis. (Figures 1 and 4B, Column 6, lines 45-58)

Re claim 2, Mizutani et al. discloses wherein the drive motor includes a housing (13) disposed about the shaft (51); and the jaw-tooth clutch means (53, 55) includes a rotating jaw (53) operatively attached to the shaft (51) for rotation about the axis, and a translating jaw (55) operatively connected to the housing for non-rotatable translation

along the axis and into engagement with the rotating jaw, the rotating and translating jaws each having axially directed mating teeth (53a, 55a) affixed on mating surfaces of the jaws, the jaw-tooth clutch thereby locking the shaft (51) against rotation about the axis.

Re claim 21, Mizutani et al. discloses a method for operating a brake apparatus including a drive motor (M) adapted for receiving power from a first power source, having a shaft (51) that is rotatable about an axis for actuation of the brake apparatus (21) and a housing disposed about the shaft; the method comprising: operatively attaching a rotating jaw (53) of a jaw-tooth clutch (53, 55) to the shaft (51) for rotation about the axis; operatively connecting a translating jaw (55) of the jaw-tooth clutch to the housing for non-rotatable translation along the axis and into engagement with the rotating jaw, the rotating and translating jaws each having axially directed mating teeth affixed on mating surfaces of the jaws; rotating the shaft of the drive motor for engaging the brake apparatus by applying power from the first power source to the drive motor; and moving the translating jaw into engagement with the rotating jaw for, locking the shaft against rotation about the axis. (Figures 1 and 4B, Column 6, lines 45-58)

Re claim 22, Mizutani et al. discloses moving the translating jaw out of engagement with the rotating jaw for unlocking the shaft and allowing rotation of the shaft about the axis. (Column 6, lines 51-55)

Re claim 25, Mizutani et al. discloses removing power from the drive motor after moving the translating jaw into engagement with the rotating jaw of the jaw-tooth clutch. This limitation is deemed inherent by the examiner as it would be inherent that power would be removed after moving the translating jaw into engagement with the rotating jaw of the jaw-tooth clutch in order to disengage the clutch after engagement through the normal course of operation of the apparatus.

Allowable Subject Matter

3. Claims 18-20 are allowed.
4. Claims 3-17, 23 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. The following is a statement of reasons for the indication of allowable subject matter: Casey and Brown, Jr. teach a brake apparatus comprising brake means including a drive motor having a shaft that is rotatable around an axis for actuation of a brake means and jaw-tooth clutch means for selectively locking the shaft against rotation about the axis. However, the cited prior art does not teach a clutch actuation motor receiving power from a second power source independent from the first power source and operatively connected to the jaw tooth clutch means for driving the jaw tooth clutch means for selectively locking the shaft about the axis.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tilton et al. teaches teeth on a clutch configured to be sheared off during an emergency.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Torres whose telephone number is (703)305-0293. The examiner can normally be reached on Monday-Friday, 6:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on (703)308-3421. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-2571 for regular communications and (703)308-2571 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.

MT
May 8, 2003



MELANIE TORRES
PATENT EXAMINER

5-8-03